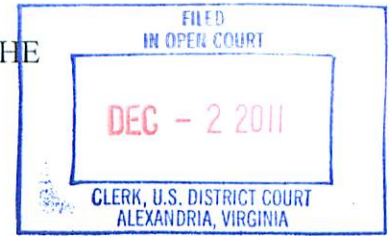


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

JUBAIR AHMAD,

Defendant

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Criminal No. 1:11CR554

Honorable T.S. Ellis, III

STATEMENT OF FACTS

The United States and the defendant, JUBAIR AHMAD, agree that had this matter proceeded to trial the United States would have proven the following facts beyond a reasonable doubt:

1. AHMAD was born in 1987 in Sialkot, Pakistan, and resided in Pakistan until the age of nineteen. After receiving a visa from the U.S. Department of State, he entered the United States on or about February 19, 2007. Since his arrival, AHMAD has resided in Woodbridge, Virginia.

2. Lashkar-e-Tayyiba serves as the military arm of the political movement Markaz al-Dawa wal-Irshad. The mission of Lashkar-e-Tayyiba ("LeT") is to conduct and promote violent jihad against those considered to be the enemies of Islam. The focus of LeT operations has been attacks on the neighboring country of India, in particular the disputed region of Kashmir between Pakistan and India.

3. On or about December 24, 2001, the U.S. Department of State designated LeT a foreign terrorist organization after determining that LeT committed, or posed a significant risk of

committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

4. After the U.S. Department of State designated LeT a foreign terrorist organization, LeT began using the name Jamaat-ud-Dawa (JUD) as cover to conceal LeT activities. On or about April 27, 2006, the State Department re-designated LeT as a foreign terrorist organization, which included the alias Jamaat-ud-Dawa (JUD). LeT then changed its name to Falah-i-Insaniyat Foundation (FIF). On or about November 24, 2010, the State Department re-designated LeT as a foreign terrorist organization, which included the alias Falah-i-Insaniyat Foundation (FIF).

5. On or about September 25, 2010, while at his residence in Woodbridge, Virginia, AHMAD communicated with an individual named Talha Saeed ("Talha") who was in Pakistan. Talha is the son of Hafiz Muhammad Saeed, the leader of LeT/FIF. Talha requested AHMAD to prepare a video that would contain a prayer by Hafiz Muhammad Saeed calling for the support of jihad and the mujahideen. In addition, Talha instructed AHMAD to present a variety of violent images on the video while Hafiz Muhammad Saeed's prayer is heard in the background.

6. For example, Talha directed AHMAD to begin the LeT/FIF video with a number of pictures of Hafiz Muhammad Saeed, then show scenes where atrocities have been inflicted on Muslims, followed by the activities of the mujahideen in Kashmir. At one point, AHMAD asked Talha if he wanted to include an image of the Mumbai attack to show the power of LeT/FIF. This is a reference to LeT/FIF's operation against the city of Mumbai, India, on November 26, 2008, which resulted in the death of over 160 people, including six Americans. Talha replied that he should not use anything referring to Mumbai. Talha recommended that AHMAD search

for “Lashkar-e-Taiba” on YouTube to find additional images of mujahideen operations to include in the video. Talha further stated that the video will be popular in Pakistan and will be run continuously on significant programs and in big presentations. AHMAD worked on his computer throughout the day to produce the video.

7. On or about September 25, 2010, AHMAD completed the LeT/FIF video and uploaded it to the YouTube account “AbuDujjana.” He entitled the video, “Hafiz Muhammad Saeed Qunoot e Nazila Very Emotional.” The next day, AHMAD sent a communication to another person overseas in which he explained that “Hafiz Saeed’s son Talha Saeed” had requested him to prepare the video. He noted further that it had taken him the whole day to produce the video.

8. AHMAD’s construction of the LeT/FIF video was confirmed by an FBI forensic examination of AHMAD’s computer. The forensic examination revealed that AHMAD had stored on his hard drive numerous images that exactly matched the images used in the LeT/FIF video. Moreover, records obtained from a search warrant issued to Google, Inc., demonstrated that the video was uploaded at precisely the time AHMAD had accessed the “AbuDujjana” YouTube account from an IP address known to be used by AHMAD.

9. During his conspiracy with Talha Saeed to produce and post the video, AHMAD knew that the video would be used by LeT/FIF and had reason to believe that the video would be used by LeT/FIF to promote jihad.

10. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or the government, and it is not intended to be a full enumeration of all

the facts surrounding the defendant's case.

11. The actions of the defendant in forming the conspiracy with Talha Saeed, in producing and uploading the LeT/FIF video, and in furthering the objectives of the conspiracy to support LeT/FIF were in all respects knowing and deliberate and were not committed by accident, mistake, or other innocent reason.

Respectfully submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By:


Stephen M. Campbell
Assistant United States Attorney

John T. Gibbs
Trial Attorney, Counterterrorism Section
U.S. Department of Justice


After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, JUBAIR AHMAD, and the United States, I hereby stipulate that the above statement of facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

DATE: 12-1-2011


JUBAIR AHMAD
Defendant

I am JUBAIR AHMAD's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

DATE: 12-1-2011


Brian L. Mizer
Aamra S. Ahmad
Assistant Federal Public Defenders
Counsel for Defendant